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REMARKS

Applicant has carefully reviewed the Final Office Action mailed May 17, 2006 and offers the following remarks.

Claims 1-10, 14-29, 32-37, and 39-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,699,113 to Ash et al. (hereinafter "Ash") in view of U.S. Patent No. 6,738,351 to Qureshi et al. (hereinafter "Qureshi"). Applicant respectfully traverses. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. If the Patent Office cannot establish obviousness, the claims are allowable. MPEP § 2143.03.

The new reference of Qureshi presented by the Patent Office to combine with previously presented reference Ash still does not establish *prima facie* obviousness because claimed limitations are still not taught or suggested by the references. MPEP § 2143.03. In light of Qureshi being a newly cited reference, Applicant respectfully requests the Patent Office withdraw the finality of this action.

The Patent Office had previously rejected claims 1-10, 14-29, 32-37, and 39-42 based on primary reference Ash in the Office Action mailed July 28, 2005. Applicant overcame this rejection because the claims require that if congestion of a trunk exceeds a first threshold, new connections are prevented from being established on the trunk based on whether the new connections are voice or data connections. Ash does not teach or suggest this limitation, as acknowledged by the Patent Office in the Final Office Action mailed January 17, 2006 (p. 3, lines 12-15). The Patent Office then cited Kinnunen as curing the deficiencies of Ash (Final Office Action mailed January 17, 2006, p. 2). However, after Applicant's previous response mailed March 17, 2006, the Patent Office in the current Final Office Action has dropped Kinnunen and now asserts that Qureshi cures the deficiencies of Ash.

However, Qureshi also does not cure the deficiency in Ash. Qureshi does not teach or suggest preventing new connections based on whether the new connections are voice or data connections. The Patent Office states that Qureshi teaches that when the quality of existing calls starts degrading due to congestion, preventing new calls from being established in the PSTN network by rerouting PSTN calls to the packet based network and cites to several portions of Qureshi (Final Office Action mailed May 17, 2006, pp. 3-4). Applicant initially notes that this is not what Qureshi actually teaches. In col. 2, lines 28-41 (the background section), Qureshi

discusses known techniques for handling congestion. One mechanism is call blocking, whereby new calls are not accepted by the network when the quality of existing calls starts degrading due to congestion (Qureshi, col. 2, lines 30-34). A different mechanism is by rerouting calls from the packet network into the PSTN such that where a path through a particular gateway in the packet network is congested, the PSTN network can reroute calls to another gateway through which less congested paths in the packet network can be accessed (Qureshi, col. 2, lines 34-41). The rerouting of calls to the PSTN discussed in Qureshi is not the same as preventing or blocking calls. As seen from a careful reading of this section, Qureshi does not teach preventing new calls from being established in the PSTN by rerouting PSTN calls to the packet network, as incorrectly asserted by the Patent Office. More importantly, Qureshi does not teach or suggest “preventing new connections having specific characteristics from being established on said trunk and wherein said specific characteristics relate to whether said new connections are voice or data connections,” as required by claim 1.

Col. 4, lines 6-13 confirm that what Qureshi teaches is a congestion management method adapted for IP (packet) networks which uses rerouting of calls in the PSTN domain to reach alternate packet gateways to reduce congestion in packet gateways that are experiencing excessive congestion. Likewise, col. 12, lines 18-26 of Qureshi merely disclose that the rerouting in the PSTN domain can be used as a secondary congestion relief mechanism where the virtual trunk group resizing depicted in Fig. 3 of Qureshi does not yield the necessary congestion relief. There is no teaching or suggestion of “preventing new connections having specific characteristics from being established on said trunk and wherein said specific characteristics relate to whether said new connections are voice or data connections,” as required by claim 1.

To summarize, contrary to the Patent Office’s assertion, Qureshi does not teach or suggest preventing new calls from being established in the PSTN network, but instead teaches rerouting calls from a packet based network to the PSTN when particular gateways in the packet network are congested. The decision to reroute calls from the packet network to the PSTN when there is congestion could easily apply to both voice or data traffic. In particular, the prior art systems (including Qureshi) will work and function the same way when the traffic is all data, is all voice, or a combination of the two. The present invention takes into consideration the relative urgency associated with delivery of voice and data traffic. Given the real-time nature of voice

traffic, voice traffic may be deemed more important than data traffic, which may not be delay sensitive. Alternatively, some service providers may want to give data traffic priority over voice traffic on some links. These decisions may be based on priority, service agreements, required quality of service levels, and the like. Qureshi simply does not mention preventing new connections based on whether the new connections are voice or data connections, as recited in claim 1. Since Qureshi does not teach this limitation, and the Patent Office has admitted it is not taught by Ash, the combination does not teach this limitation. Accordingly, claim 1 is obvious over the combination of Ash and Qureshi.

Claim 32, 33, and 40 are independent claims that have similar limitations as claim 1, and are therefore patentable for at least the same reasons set forth above with respect to claim 1. Claims 2-31, 34-39, and 41-46 depend from one of the independent claims and contain all of the limitations thereof. Accordingly, these dependent claims are patentable for at least the same reasons as set forth above.

Thus, for the preceding reasons, the rejection of claims 1-10, 14-29, 32-37, and 39-42 must be withdrawn.

Claims 11-13, 30, 31, 38, and 43-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ash in view of Qureshi and further in view of U.S. Patent No. 6,377,677 to Ackerley et al. (hereinafter "Ackerley"). Applicant respectfully traverses. The standards for obviousness are set forth above. As discussed above, all claims of the present invention require the limitation of preventing new connections from being established on the trunk based on whether the new connections are voice or data connections. As previously stated, neither Ash nor Qureshi teach or suggest this limitation. Ackerley does not cure this deficiency. Thus, this rejection must be withdrawn as well.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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